

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *eg* D.C.  
05 OCT 27 PM 4:39  
THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TENNESSEE

CURTIS L. BYRD, JR.,

Plaintiff,

vs.

P. STEPHEN ORR, et al.,

Defendants.

X  
X  
X  
X  
X  
X  
X  
X  
X  
X

No. 05-2472-D/V

ORDER OF DISMISSAL


Plaintiff Curtis L. Byrd, Jr. filed a pro se complaint pursuant to, inter alia, the Right to Financial Privacy Act, 12 U.S.C. § 3401 et seq., on July 5, 2005, along with a motion seeking leave to proceed in forma pauperis. Because plaintiff's motion to proceed in forma pauperis did not adequately document his monthly income, assets, and financial obligations, the Court issued an order on September 20, 2005 directing the plaintiff, within thirty days, to file a properly completed in forma pauperis affidavit or remit the civil filing fee. The order further provided that "[f]ailure to timely comply with this order will result in dismissal of this action, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute." 09/20/05 Order at 2-3.

The plaintiff has not complied with, or otherwise responded to, the Court's order, and the time set for compliance has expired. Accordingly, the Court DISMISSES the complaint without

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prejudice, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 27<sup>th</sup> day of October, 2005.

  
BERNICE B. DONALD  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 2:05-CV-02472 was distributed by fax, mail, or direct printing on October 28, 2005 to the parties listed.

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Curtis L. Byrd  
4746 Spottswood #349  
Memphis, TN 38117

Honorable Bernice Donald  
US DISTRICT COURT